

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

APRIL LEMON, individually and on
behalf of all others similarly situated,

Case No. 1:13-cv-03125-WBH

Plaintiff,

v.

FILED ELECTRONICALLY

GALARDI SOUTH ENTERPRISES
CONSULTING, INC., d/b/a
GOLDRUSH SHOWBAR,

Defendant.

MOTION TO DISMISS PURSUANT TO RULE 41(a)(2)

Plaintiff April Lemon and opted-in Plaintiffs Shana McAllister, Andrea Mickles, Joy Richardson, Lauren Houston, and Precious Holder (“Plaintiffs”), through their undersigned counsel, respectfully move this Court to dismiss this action without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Defendant Galardi South Enterprises Consulting, Inc. has indicated in its answer and initial disclosures that it is not the proper defendant in this action. After an investigation and communications with defense counsel, Plaintiffs’ counsel has decided to accept Defendant’s representation that it does not do business as Goldrush Showbar.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order dismissing this case without prejudice pursuant to Fed. R. Civ. P. 41(a)(2). A proposed order is attached.

Dated: April 2, 2014

Respectfully submitted,

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Attorneys for Plaintiffs

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing document has been prepared with one of the font and size selections (Times New Roman, 14 point) approved by the court in N.D. Ga. L.R. 5.1(C) and (D).

/s/ Anthony C. Lake

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2014 a true and correct copy of Plaintiff's Motion to Dismiss Pursuant to Rule 41(a)(2) was served upon all counsel of record via the Court's electronic filing system.

/s/ Anthony C. Lake

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